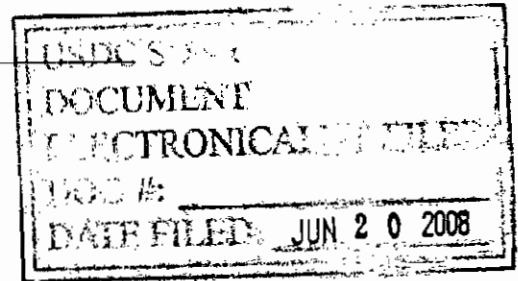


PITTA & DREIER^{UP}

ATTORNEYS AT LAW

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June 19, 2008

**Via Facsimile (212) 805-0424**

Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street, Room 755
New York, NY 10007

MEMORANDUM

**Re: Horizon Healthcare Services, Inc., et al. v. Local 272
Labor Management Welfare Fund (08 CV 4428) (LTS) (RLE)**

Dear Judge Swain:

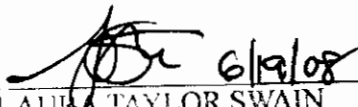
This firm represents the defendant, Local 272 Welfare Fund, in the above matter. In compliance with Section 2.B of the Court's Individual Practices Rules, we have exchanged letters with the attorneys for plaintiffs and have spoken by telephone in advance of the filing of motions by each of the parties -- a motion to remand by plaintiffs and a motion to dismiss by defendants. Both sides agree that further discussion would be helpful to resolve the issues in controversy with a view toward obviating the need for the parties to file motions. In addition, one particular issue in connection with defendant's intended motion to dismiss, the nonjoinder of indispensable parties, requires further consideration by plaintiffs' counsel and discussion between the parties.

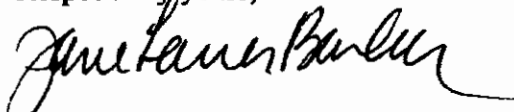
Therefore, the parties have agreed, in furtherance of the Court's direction to use our best efforts to resolve informally the matters in question, to extend the time within which defendant shall answer or otherwise move for one additional week from June 20, 2008 to and including June 27, 2008. The parties request that the Court permit this short extension of time as it may result in avoiding the intended motion practice altogether.

The request is granted.

SO ORDERED.

Respectfully yours,


LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE


Jane Lauer Barker

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